

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

October 20, 2003
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Denis Anderson, Nancy Houlahan, Jim Dokken, and David Chapin; Present 7, Absent 2 - Rick Fagerlie and Bruce DeBlieck.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Public Works Director Mel Odens, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included discussion of the pool consulting contract and Humane Society update.

The Zoning Appeals Board and Building Inspection Report were removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of October 6, Municipal Utilities Commission Minutes of October 14, Rice Hospital Board Minutes of October 14, Planning Commission Minutes of October 8, Pioneerland Library Board Minutes of August 28, and Housing and Redevelopment Authority Minutes of September 9, 2003; Lawful Gambling Application for the Eagles Club; and Mayoral appointments of Brenda McNichols to Police Civil Service Commission and Brandt Haglund to Community Education and Recreation Board. Council Member Reese seconded the motion, which carried.

The Council requested clarification of the Zoning Appeals Board item regarding the Mills Fleet Farm sign height variance. Following discussion, the Zoning Appeals Board Minutes of October 8, 2003, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Chapin, seconded by Council Member Anderson, and carried.

Council Member Christianson pointed out the current valuation of \$31 million in the Building Inspection Report. The Building Inspection Report for September, 2003, was accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

At 7:10 p.m. Mayor Heitke opened a hearing on a petition to vacate a portion of dedicated Road. Planning and Development Services Director Peterson informed the Mayor and Council that the City has received a petition requesting the vacation of a portion of 13th Avenue Southwest between 15th and 16th Streets Southwest. It was noted this street was platted, but never built, and the Planning Commission has approved the request. There being no one to speak for or against the proposed street vacation, Mayor Heitke closed the hearing at 7:11 p.m.

Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 1

VACATING A PORTION OF A PUBLIC STREET

WHEREAS, the vacation of that portion of the dedicated street as described below was initiated by petition of the owner of the footage fronting on and abutting said portion of said street:

That portion of 13th Avenue SW in the City of Willmar, MN described as:

Beginning at a point 5 feet west of the northeast corner of Lot 3, Block 1, West Fourth Addition; thence north 60 feet of the southeast corner of Lot 7, Block 1, West Park 1st Addition; thence west 260 feet to the southwest corner of Lot 8, Block 1, West Park 1st Addition; thence South 60 feet to a point on the north line of Lot 1, Block 1, West Park Fourth Addition; thence east to the point of beginning.

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said street on October 20, 2003; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said street;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated street be, and hereby is, vacated.

BE IT FURTHER RESOLVED that a utility easement be kept by the City of Willmar over the entire sixty (60) foot street vacated by this resolution.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after October 31, 2003.

Dated this 20th day of October, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:13 p.m. Mayor Heitke opened a hearing on an Ordinance to Rezone Certain Lands from LB to R-2. Planning and Development Services Director Peterson informed the Mayor and Council the Planning Commission has approved a request to rezone a portion of the Public Market property on Southwest 9th Street from Limited Business to R-2 Residential to develop a twin-home. There

being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:14 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

At 7:15 p.m. Mayor Heitke opened a hearing on an Ordinance to Amend Zoning Ordinance Text. Planning and Development Services Director Peterson informed the Mayor and Council the Planning Commission has initiated a text amendment to the Zoning Ordinance that would allow "Convenience Stores with Gasoline Sales" as a permitted use with plan review in a SC – Shopping Center District. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:16 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Public Works/Safety Committee Report for October 14, 2003, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 Trudy McAdams and Laurie Herboldt, residents of the 300 block of Becker Avenue SE, appeared before the Committee to discuss safety concerns and request consideration of a controlled intersection at either 3rd or 7th Street SE.

Staff presented results of a speed study done in 2000 in the East 1200 block showing an average of 26 mph, 50th percentile at 27 mph, and the 85th percentile at 31 mph. Following discussion, the Committee directed staff to target enforcement in the area. This matter was for information only.

Item No. 2 The Committee reviewed the history of issues relating to Downtown parking. Several surveys have been conducted since 1987 by both Rice Hospital and Main Street Willmar showing inadequate spaces available and a recommendation for the addition of 300 spaces. In April of 2003 a Parking Task Force was formed again to research alternatives for parking. The concept of leased parking was studied and considered not viable. In August, 2003 the Task Force decided to promote construction of a parking ramp. Correspondence was sent to neighboring landowners in Block 50 including Bethel Church who responded favorably.

Lorry Massa, CEO of Rice Hospital, shared the Hospital's parking plan with the Committee which, when complete, would include 486 parking spaces, 120 more than when they started reconstruction. Mr. Massa stated the Hospital is willing to participate with their fair share to the construction of a ramp. In 1997 a 350-stall ramp with 3-4 levels was estimated to cost \$3.9 million.

It was the consensus of the Committee to include the concept of a parking ramp for consideration for funding by a .05 cent sales tax. The Finance Committee will further discuss the issue this week. This matter was for information only.

Item No. 3 The Committee considered a request from PKG Contracting Inc. for the Wastewater Treatment Plant RBC Improvement Project to modify the RBC manufacturer to Walker Process Equipment. The change would have no cost or schedule affects to the Project.

The Committee was recommending the Council approve Change Order No. 1 to the Wastewater Treatment Plant RBC Project. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

WHEREAS PKG Contracting of Fargo, North Dakota, contractor for the City of Willmar Wastewater Treatment Plant RBC Improvements desires to change the RBC Supplier from U. S. Filter to Walker Process; and

WHEREAS it has been determined this change will have no effect on the quality and performance of the RBC's.

NOW THEREFORE BE IT RESOLVED that the supplier for the RBC's is changed to Walker Process.

Dated this 20th day of October, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Fire Chief Calvin addressed the Committee on a change in fireworks statutes adopted during the last legislative session. The change requires that an application for an indoor fireworks display permit be filed with the State Fire Marshal. The effect of this change is that permits would be issued by the State Fire Marshall instead of local authorities at a cost of \$150.00. The new law also allows the State Fire Marshall to grant this authority to a local fire chief or the chief's designee in which event no permit fee shall be received by the State.

Following discussion, the Committee was recommending the Council authorize staff to issue a letter designating the City's intent to have the local authority issue indoor display permits and set a fee of \$50.00. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 5 The Committee considered a request from the Willmar Jaycees to use Robbins Island for the Haunted Trail. It was noted Fire Chief Calvin will inspect the site for safety concerns.

The Committee was recommending the Council approve the request to use Robbins Island as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 6 The Committee discussed an incident regarding minor repair and cleanup of the State Highway 40 right-of-way. Staff will review the concern and address as appropriate. This matter was for information only.

The Public Works/Safety Committee Report for October 14, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Labor Relations Committee Report for October 15, 2003, was presented to the Mayor and Council by Council Member Houlahan. There were two items for Council consideration.

Item No. 1 The Committee meeting was called to order at 4:45 p.m. and Chair Houlahan briefly explained that it's the intent to close the meeting to discuss contract strategies. The meeting was then closed at 4:50 p.m. and reopened the meeting at 6:25 p.m. This matter was for information only.

Item No. 2 City Administrator Schmit presented to the Committee a series of recommendations to revise job description and position classification:

- A. Assistant Lab Technician at Wastewater Treatment Plant. The position is being proposed for an upgrade to include additional responsibilities for specific projects (i.e. biofilter and other odor mitigation improvements), work on industrial pretreatment programs, the development and implementation of a phosphorous management plan, and safety training for City employees. (Pay grade 5 to pay grade 6).
- B. Secretary/Receptionist. Additional responsibilities with licensing and permits, liquor applications and certificates of insurance, preparation and publication of legal notices, building permits, annual reports, and bond debt payments. (Pay grade 2 to pay grade 4)
- C. Information Systems Technician. Position being downgraded from Coordinator. The position will continue to maintain the integrity of the City's information systems for all departments including maintenance, security, and general technical assistance. It will be the intent of staff to use other existing resources and/or outsource for major programming and networking. (Pay grade 8 to pay grade 6)
- D. Accounting Supervisor. Involves major reorganization of Finance Department and upgrades Accounting Clerk to supervisory position overseeing accounts receivable, payroll, accounts payable, and Information Systems Technician. Assists Director with numerous management tasks (i.e. preparation of financial reports, supervision of other employees, and coordination of PC equipment installation and maintenance operations. (Pay grade 4 to pay grade 6).

Following a brief discussion of the proposed changes, the Committee was recommending to the Council adoption of the revised position classifications. Council Member Houlahan moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

The Labor Relations Committee Report for October 15, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Houlahan, seconded by Council Member Chapin, and carried.

The Finance Committee Report for October 16, 2003, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 Pursuant to a previous Committee request, staff presented an analysis of proposed CenterPoint Energy Minnegasco franchise fees. The analysis included per unit costs based on a 4 percent monthly-annual cost versus fixed fees. Following a lengthy discussion, the Committee directed staff to revise the fixed franchise fee schedule lowering rates for Residential and Commercial–A Users to the \$2 range. The revised schedule will be presented at a future Committee meeting. This matter was for information only.

Item No. 2 The Committee considered proposed eligibility criteria for project consideration of a local option sales tax. Criteria included findings that all proposals be capital projects, able to identify regional significance, include a sunset provision, and provide a tangible return on the community's investment (increased tax base, jobs, etc.)

It was noted that at previous meetings a preliminary discussion of local option sales tax projects included the purchase and redevelopment of the Willmar Regional Treatment Center, completion of the Willmar Airport and expansion of the Industrial Park, renovation upgrades and connection of the Civic Center/Blue Line Club buildings, relocation of the Fairgrounds, Rice Hospital parking ramp, biking/walking trail system, and Wastewater Treatment Plant/infrastructure.

The Committee was recommending to the Council for its consideration a refined local option sales tax project list to include the following:

- A. Completion of the Willmar Regional Airport, Wastewater Treatment Plant/infrastructure and expansion of the Industrial Park.
- B. The renovation, upgrade and connection of the Civic Center/Blue Line Club buildings.

Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Christianson seconding the motion. Following discussion, Council Member Chapin moved to table the matter with Council Member Houlahan seconding the motion, which carried.

Item No. 3 Staff presented to the Committee its findings with regard to options for the City's 2003 financial audit. The options included a continued relationship with previous/existing auditors, calling for Requests for Proposals, or utilizing the services of the firms currently engaged by the Willmar Municipal Utilities, Rice Hospital and Willmar School District.

The Committee was recommending the Council call for Requests for Proposals. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried.

Item No. 4 The Committee reviewed the proposed final budget for the Wastewater Treatment Plant RBC Replacement and Biofilter Project. The revised budget included figures for Plant upgrades, the Biofilter system and Bonding costs.

The Committee was recommending the Council approve of the WTP upgrade final budget as presented. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

FINAL BUDGET WTP UPGRADES – RBC REPLACEMENT
ESTIMATED TOTAL COST \$1,410,000

PERSONNEL SERVICES:

Overtime Reg. Employees	\$ 5,000.00
Salaries Temp. Employees	<u>1,000.00</u>
Total:	\$ 6,000.00

SUPPLIES:

Office Supplies	\$ 500.00
Small Tools	1,000.00
Motor Fuels & Lubricants	500.00
Postage	500.00
Mtce. of Equipment	15,000.00
Mtce. of Other Improve.	12,000.00
General Supplies	<u>\$ 2,000.00</u>
Total:	\$31,500.00

OTHER SERVICES:

Printing & Publishing	\$ 2,000.00
Mtce. of Other Improve.	1,131,769.00
Other Services	<u>100,000.00</u>
Total	\$1,233,769.00

OTHER CHARGES:

Professional Services	\$ 31,725.00
Advertising	500.00
Adm. OH 8	63,000.00
Other Charges	<u>43,506.00</u>
Total:	\$ 138,731.00

GRAND TOTAL: \$1,410,000.00

Dated this 20th day of October, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee requested that staff invite representatives of the Rice Hospital to a future meeting to discuss the recent announcement of the Hospital's purchase of Rice Home Medical. This matter was for information only.

The Finance Committee Report for October 16, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Dokken, and carried.

City Clerk Halliday informed the Mayor and Council that when special assessments were placed along First Street South for water main and lift station improvements (2003 Improvement Project), the assessment included proper lineal footage for various parcels but subsequent action of signing a highway easement for 24th Avenue Southeast and the platting of a dedicated street known as 28th Avenue Southeast, requires action to reduce the appropriate assessments.

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

AMENDING ASSESSMENT ROLL

WHEREAS, the City Council of the City of Willmar, Minnesota, duly adopted the assessment roll for the 2003 Street Improvement Project on May 5, 2003, and

WHEREAS, the assessment roll was amended to a sum of \$595,433 on August 18, 2003; and

WHEREAS, the assessment recorded against parcel 95-923-8800 owned by Duininck Bros. Inc., should be reduced by \$1,691.87 pursuant to the signing of a highway easement over the south 92.1 feet of the described parcel therefore reducing the total assessment to \$1,982.13; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. Such assessment roll be amended to the sum of \$593,741.13, a copy of which is attached hereto and made a part hereof, is hereby accepted.
2. Such assessments shall be as follows:
 - A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2004, collectible with such taxes during the year 2013.
 - B. To the first installment shall be added interest at the rate of five and seventy-one hundredths (5.71%) percent per annum on the entire principal amount of the assessment from the date of the bond sale, August 4, 2003, until December 31, 2004. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.
 - C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City Clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 2003, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.
3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of the assessment to the County Auditor to be extended on the tax list of the County.

Dated this 20th day of October, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 5 was introduced by Council Member Houlahan, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 5

AMENDING ASSESSMENT ROLL

WHEREAS, the City Council of the City of Willmar, Minnesota, duly adopted the assessment roll for the 2003 Street Improvement Project on May 5, 2003, and

WHEREAS, the assessment roll was amended to a sum of \$595,433 on August 18, 2003; and

WHEREAS, the assessment recorded against parcel 95-923-8800 owned by Duininck Bros. Inc., should be reduced by \$1,691.87 pursuant to the signing of a highway easement over the south 92.1 feet of the described parcel therefore reducing the total assessment to \$1,982.13; and

WHEREAS, the assessment recorded against parcels 95-923-8910 and 95-926-0010 owned by Ohm, Inc., should be reduced by \$1,285.90 pursuant to the platting of the dedicated street known as 28th Avenue Southeast and reapportioned pursuant to the partial lot sale to Home Depot USA, Inc. so that the balance of the combined lot assessment of \$4,225.10 should be placed against parcel 95-366-0010 described as Lot 1, Block 1, the Home Depot Addition and reducing the assessment to zero (0) against parcels 95-923-8910 and 95-926-0010.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

4. Such assessment roll be amended to the sum of \$592,455.23, a copy of which is attached hereto and made a part hereof, is hereby accepted.
5. Such assessments shall be as follows:
 - A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2004, collectible with such taxes during the year 2013.
 - B. To the first installment shall be added interest at the rate of five and seventy-one hundredths (5.71%) percent per annum on the entire principal amount of the assessment from the date of the bond sale, August 4, 2003, until December 31, 2004. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.
 - C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City Clerk-Treasurer, except that no interest shall be charged if the entire

assessment is paid by October 31, 2003, and such property owner may at any time prior to November 15 of any year pay to the City Clerk-Treasurer the entire principal amount.

6. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of the assessment to the County Auditor to be extended on the tax list of the County.

Dated this 20th day of October, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson explained to the Mayor and Council that the original agreement with the pool consultants does not include costs to oversee and manage the aquatic center construction activities. The cost estimates were estimated at \$37,500. Staff was recommending increasing the agreement to a maximum of \$107,500.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and U. S. Aquatics, Inc. The supplement includes the addition of construction phase services for the Aquatic Center Project.

BE IT FURTHER RESOLVED, the original contract amount of \$70,000.00 is hereby amended to include \$37,500.00 for a total figure of \$107,500.00.

Dated this 20th day of October, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Administrator Schmit informed the Mayor and Council of ongoing discussions with the Humane Society regarding alternatives for a new location pursuant to the sale of their previously leased building. The WRTC appears to be the best option to get the Humane Society back up and running noting that every option required leaseholder improvements. WRTC staff will do some of the proposed improvements, but are unable to construct the air exchange system and one wall. The cost was estimated at \$15,000 to \$20,000. WRTC will draft a one-year lease with an option to renew. Staff was suggesting the City make 50 percent of the leaseholder improvements with the

County funding a like amount.

Resolution No. 7 was introduced by Council Member Chapin, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar that the City contribute \$10,000 towards leasehold improvements for the new Humane Society building at the Willmar Regional Treatment Center as follows:

Increase:	Humane Society	\$10,000.00
-----------	----------------	-------------

Decrease:	Expired Capital Projects	\$10,000.00
-----------	--------------------------	-------------

Dated this 20th day of October, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, October 27; and Community Development, October 30, 2003.

There being no further business to come before the Council, the meeting adjourned at 8:46 p.m. upon motion by Council Member Dokken, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL